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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/889,831

11/07/2001

Bernhard Molocher

420LFK/50041

1400

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7590

08/11/2004

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EXAMINER

KASSA, YOSEF

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/889,831

Applicant(s)

MOLOCHER ET AL.

Examiner

YOSEF KASSA

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, 7 and 9 rejected under 35 U.S.C. 102(e) as being anticipated by Camus (U.S. Patent 6,516,087).

With regarding to claim 1, Camus discloses Process for the relocation, i.e., transformed or scaled images, of objects (reference images of items 11-15, in Fig. 1) and images (shift image of items 1-5, in Fig.1) by correlation of an object reference with image values (see Fig. 1, image 1 and image 11 are correlated), Characterized in that, in case of a partial cover-up, i.e., overlap pixel, of an object the image values (see col. 1, lines 54-63), that lie in the image within the coverage area, are replaced by gray values off object, before correlation is performed (see col. 2, lines 55-64).

With regarding to claim 2, Camus discloses characterized in that a reference image is subjected to interference windowing in order to replace the

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image values within an interference mask with the gray values of object (see col. 2, lines 55-64).

With regarding to claim 3, Camus discloses characterized in that the reference image is subjected to object windowing in order to get the object reference (see col. 1, lines 63-66).

With regarding to claim 5, Camus discloses characterized in that parts of object, that are covered up in the image, are replaced by parts of a stored reference (see col. 5, lines 3-16).

Claim 7 is similarly analyzed as claim 1.

With regarding to claim 9, Camus discloses the reference image is subjected to object windowing to obtain an object reference (see col. 1, lines 58-65).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camus (U.S. Patent 6,516,087), further in view of Hall (U.S. Patent 5,394,520).

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With regarding to claim 4, Camus is silent about prior to cover-up, the image of the complete object is stored in order to determine the position of object in case of a partial cover-up. However, at the same field of endeavor, Hall teaches this feature (see col. 5, lines 3-16). At the time of the invention was made, it would have been obvious to an ordinary skill in the art to incorporate the teaching of Hall's image storage system to Camus's system. The motivation doing so is to store sensed images before the correlation step performed.

With regarding to claim 6, Camus discloses a camera to take a picture (see Fig. 1, item 10), an image data processor to replace gray values that are within a coverage area in the image, with gray values of the object reference (see col. 2, lines 48-64) and a correlation unit that correlates the image, altered, i.e., scale, by the image data processor, with the object reference (see col. 2, lines 55-64).

Camus does not explicitly call for an image data memory to store an object reference. However, at the same field of endeavor, Hall teaches this feature (see col. 5, lines 3-16). At the time of the invention was made, it would have been obvious to an ordinary skill in the art to incorporate the teaching of Hall's image storage system to Camus's system. The motivation doing so is to store sensed images before the correlation step performed.

Claims 10 and 11 are similarly analyzed as claims 4 and 6.

Claim 12 is similarly analyzed as claim 6.

***Allowable Subject Matter***

3. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Other Prior Art Cited***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. (5,353,030) to Koch disclose method for simulating high resolution...

US Patent No. (6,272,244) to Takahashi et al disclose methods for extraction and recognition of pattern...

US Patent No. (5,101,296) to Bell discloses light polarizing mosaic pair.

US Patent No. (4,802,757) to Pleitner et al disclose system for determining the attitude of a moving imaging...

US Patent No. (6,690,837) to Broddin et al disclose screening method for overlapping sub-images.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF KASSA whose telephone number is (703) 306-5918. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BHAVESH MEHTA can be reached on (703) 308-5246. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communication and (703) 872-9306 for after Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (703) 306-5631. The group receptionist number for TC 2600 is (703) 305-4700.

**PATENT EXAMINER**

Yosef Kassa

08/04/04.



BHAVESH M. MEHTA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600